

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202001820	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 08/18/2019 3:09 AM	Location of Incident: [REDACTED]	Precinct: 73	18 Mo. SOL 2/18/2021	EO SOL 10/5/2021	
Date/Time CV Reported Sun, 08/18/2019 12:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/28/2019 10:51 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Xavier Galloza	06116	948996	PSA 2
2. Officers			
3. An officer			
4. POM John Felsberg	04064	954801	PSA 2
5. POM Robert Wihlborg	03360	961449	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Karl Hanisch	23619	952825	PSA 2
2. SGT Tremayne Craig	3134	943412	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers questioned individuals.	[REDACTED]
B. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C. An officer	Force: An officer used physical force against individuals.	[REDACTED]
D. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED] Unknown.	[REDACTED]
E. POM Xavier Galloza	Discourtesy: Police Officer Xavier Galloza spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
F. POM Xavier Galloza	Discourtesy: Police Officer Xavier Galloza spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
G. POM Xavier Galloza	Force: Police Officer Xavier Galloza used a taser against § 87(2)(b) [REDACTED]	[REDACTED]
H. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I. Officers	Abuse: Officers threatened individuals with the use of force.	[REDACTED]
J. Officers	Discourtesy: Officers spoke discourteously to individuals.	[REDACTED]
K. Officers	Abuse: Officers threatened to arrest individuals.	[REDACTED]
L. Officers	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
M. Officers	Force: Officers used physical force against § 87(2)(b)	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On August 18, 2019, § 87(2)(b) filed this complaint with IAB via telephone. On August 28, 2019, the case was received at the CCRB. On September 12, 2019, § 87(2)(b) filed a duplicate of this complaint with the CCRB via telephone. Though neither § 87(2)(b) nor § 87(2)(b) filed their complaints on behalf of anyone else, the investigation identified the following individuals as present during this incident: § 87(2)(b)'s girlfriend, § 87(2)(b)'s friend, § 87(2)(b) and § 87(2)(b)'s friend, known only as § 87(2)(b) and § 87(2)(b) who have no known relation to either § 87(2)(b) or § 87(2)(b). § 87(2)(b) were also identified as present per police documentation.

On August 17, 2019 into the early morning of August 18, 2019, § 87(2)(b) and § 87(2)(b) were present at a block party on § 87(2)(b) between § 87(2)(b) and § 87(2)(b) in Brooklyn. Beginning at approximately 1:39 a.m., several 911 calls reported shots fired, including at officers, in the vicinity of § 87(2)(b) in Brooklyn, which resulted in a level one mobilization. Police Officers Xavier Galloza, Karl Hanisch, § 87(2)(b) Wihlborg, John Felsberg, Biko Harvey, and Sergeant Tremayne Craigg, all of Police Service Area 2 (PSA 2) were among the many responding officers. Officers asked individuals on the block for their identifications (**Allegation A: Abuse of Authority**, § 87(2)(b), § 87(2)(g)). An officer allegedly pushed § 87(2)(b) on his chest, as well as pushed other unidentified individuals (**Allegations B and C: Force**, § 87(2)(g)). Officers allegedly punched the individual known only as § 87(2)(b) about his body (**Allegation D: Force, officers unidentified**). PO Galloza allegedly approached § 87(2)(b) and § 87(2)(b) and said, "Don't fucking move" (**Allegations E and F: Discourtesy**, § 87(2)(g)). PO Galloza then tased § 87(2)(b) (**Allegation G: Force**, § 87(2)(g)). An officer allegedly punched § 87(2)(b) in the face (**Allegation H: Force**, § 87(2)(g)). Officers allegedly told several individuals present at the location, "I'm going to tase you," and, "If you don't get off this fucking block right now, everyone's getting arrested" (**Allegations I and K: Abuse of Authority, Allegation J: Discourtesy**, § 87(2)(g)). Officers allegedly punched § 87(2)(b) in the face and stomped on his face during the course of his arrest (**Allegation L and M: Force**, § 87(2)(g), § 87(4-b), § 87(2)(g)).

§ 87(2)(b) was arrested for attempted assault on a police/peace officer and disorderly conduct. § 87(2)(b) and § 87(2)(b) were arrested for disorderly conduct and ultimately released with criminal court summonses. Neither § 87(2)(b) s, § 87(2)(b) s, nor § 87(2)(b) arrests from this incident were listed in the Office of Court Administration (OCA) database or the New York State Unified Court System's ECOURTS database (BR 32-33).

37 body-worn camera videos of this incident were received from officers assigned to PSA 2 and the 73rd Precinct. Relevant footage will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers questioned individuals.

The investigation established the following facts:

As a result of the shots fired calls, especially the call regarding shots fired at members of service, officers who responded to the level one mobilization closed § 87(2)(b) between § 87(2)(b) and § 87(2)(b) due to the crime scene investigation. Officers attempted to collect identifying information for all individuals present, including § 87(2)(b) and § 87(2)(b) who were on the block at the time of the shooting, before the individuals could leave the crime scene. PO Galloza interacted with § 87(2)(b) tased him, and ultimately arrested

him. § 87(2)(b) was also arrested and sustained injuries during the course of his arrest. § 87(2)(b) was also arrested and alleged officers used force against him during his arrest.

§ 87(2)(b) (BR 01) testified that he attended an annual block party on § 87(2)(b) between § 87(2)(b) and § 87(2)(b) in Brooklyn, beginning at 9:00 p.m. on August 17, 2019. § 87(2)(b) had a small cup of Hennessy during the party, but was not intoxicated. At approximately 12:00 a.m. on August 18, 2019, § 87(2)(b) heard six to seven gunshots. Less than three minutes later, both marked and unmarked police vehicles arrived on § 87(2)(b). Officers told everyone to move and § 87(2)(b) began walking down § 87(2)(b) toward § 87(2)(b). Approximately 40 officers were on the sidewalk. A uniformed officer, who § 87(2)(b) described as a white male with black curly hair, 6'3", muscular build, and approximately in his late 20s/early 30s, asked § 87(2)(b) for his identification and said, "This is the only way you can get to the other side of the street." § 87(2)(b) provided his identification and the officer proceeded to write down § 87(2)(b)'s full name and address before immediately returning his identification to him.

The investigation received 37 body-worn camera videos pursuant to this incident. PO Harvey's and PO Felsberg's body-worn camera videos each capture the officers asking individuals on the block for their identification or contact information before allowing them to leave the area. In PO Harvey's body-worn camera footage (BR 36, 03), PO Harvey approaches a male and female sitting on a set of stairs in front of a residence and asks them for their identification. The female explains that she is not trying to leave the area and therefore PO Harvey tells her she does not have to provide identification. PO Harvey then follows the male to his vehicle, where the male retrieves his identification and gives it to PO Harvey. PO Harvey records the information in his memo book (<<06:14 – 07:59>>). Similarly, in PO Felsberg's body-worn camera footage (BR 37, 03), PO Felsberg asks a male and a female, who are siblings, for their names, dates of birth, addresses, and phone numbers. PO Felsberg records the information in his memo book and then allows the individuals to leave the area (<<04:20 – 05:22>>).

Officers can approach individuals to request information when there is some objective credible reason for that interference not necessarily indicative of criminality. People v. De Bour 40 N.Y.2d 210 (1976) (BR 34).

Where a Fourth Amendment intrusion serves special government needs, beyond the normal need to law enforcement, it is necessary to balance the individual's privacy expectations against the Government's [*sic*] interests to determine whether it is impractical to require a warrant or some level of individualized suspicion in the particular context. Mich. Dep't of State Police v. Sitz 496 U.S. 444 (1990) (BR 13).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C): Force: An officer used physical force against individuals.

As § 87(2)(b) started to walk across the street after showing an officer his identification, the officer allegedly pushed § 87(2)(b) on his chest with his arms extended and palms open, but § 87(2)(b) did not move backwards or stumble as a result of the push. The officer also pushed other people in the area. § 87(2)(b) said, "Don't touch me," and continued to walk across the other side of the street.

§ 87(2)(b) was not with § 87(2)(b) at the time of the alleged push. § 87(2)(b) and § 87(2)(b) did not provide statements, as § 87(2)(b)

was advised not to participate by his attorney, and § 87(2)(b) and § 87(2)(b) were unavailable to the investigation (see IAs for contact attempts).

The investigation received 37 body-worn camera videos pursuant to this incident, however none of the videos captured the push as alleged by § 87(2)(b). Sergeant Richard Galvez's body-worn camera (BR 02-03) video captures a group of officers, whose backs are to the camera, standing in front of § 87(2)(b) who is wearing a blue shirt (<<00:07 – 00:22>>). Sgt. Galvez then turns his body so that § 87(2)(b) and the officers are no longer on screen. When § 87(2)(b) and the officers are back in the frame and the audio component of the video activates, § 87(2)(b) says something about "pushing me," though the beginning of his statement is not audible. No officers are visible pushing § 87(2)(b) at this time. § 87(2)(b) continues, "You're not pushing me. I got a lawsuit on y'all niggas already. Y'all want another one?" A uniformed officer then backs up and § 87(2)(b) walks past the officers saying, "Get the fuck out of here. Get the fuck out my face. Fuck y'all talking about. Y'all niggas bugging the fuck out. Don't push me," as he continues to walk across the street (<<00:27 – 00:48>>). No officers are seen pushing § 87(2)(b) or otherwise making bodily contact with him in the footage.

No other body-worn camera videos capture § 87(2)(b) prior to his arrest.

PO Galloza, the officer who tased § 87(2)(b) prepared a TRI for his use of a conducted electrical weapon, but no other TRIs were prepared for § 87(2)(b) in regard.

§ 87(2)(b), § 87(2)(g)

Allegation (D): Force: Officers used physical force against § 87(2)(b). Unknown.

§ 87(2)(b) testified that after he continued to walk on § 87(2)(b) crossing over § 87(2)(b), he saw 10 to 15 uniformed and plainclothes officers on top of § 87(2)(b) known only to § 87(2)(b) as § 87(2)(b). The officers, whom § 87(2)(b) could not describe, were punching § 87(2)(b) "everywhere" and "beating on him." § 87(2)(b) did not have any further identifying information or contact information for § 87(2)(b).

§ 87(2)(b) (BR 12) did not identify anyone by the name of § 87(2)(b) during her testimony.

As mentioned above, the investigation received 37 body-worn camera videos pertaining to this incident. Some of the videos capture what appear to be officers affecting arrests, but due to the number of officers present and a lack of identifying information for § 87(2)(b) the investigation could not determine whether these videos captured § 87(2)(b)'s arrest.

According to the Command Log from PSA 2, no individual with the name § 87(2)(b) or a similar name was arrested during this incident (BR 14). Further, neither PSA 2 nor the 73rd Precinct maintained a summons log, and therefore no information for § 87(2)(b) was contained therein (BR 30-31).

§ 87(2)(b), § 87(2)(g)

Allegation (E) Discourtesy: Police Officer Xavier Galloza spoke discourteously to

§ 87(2)(b)

Allegation (F) Discourtesy: Police Officer Xavier Galloza spoke discourteously to § 87(2)(b).

§ 87(2)(b)

Allegation (G): Force: Police Officer Xavier Galloza used a taser against § 87(2)(b)

It is undisputed that PO Galloza tased § 87(2)(b) § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

PO Galloza immediately approached § 87(2)(b) and § 87(2)(b) told them not to move, and tased § 87(2)(b). § 87(2)(b) provided the following additional details: § 87(2)(b) said that he continued to walk down § 87(2)(b), and when he reached the vicinity of § 87(2)(b) Street, there were no more officers in the area. § 87(2)(b) called § 87(2)(b) to pick him up. § 87(2)(b) arrived less than three minutes later and grabbed § 87(2)(b)'s left arm to leave. § 87(2)(b) turned his body to the right to make sure he had all of his belongings. As he did so, § 87(2)(b) heard a voice say, "Don't move," and PO Galloza immediately tased § 87(2)(b) without saying anything else. § 87(2)(b) denied moving, taking a "fighting stance," or clenching his fists before he was tased. The taser prongs penetrated § 87(2)(b)'s skin in the middle of his abdomen and near his right pelvis. § 87(2)(b) fell to the ground directly on his back. PO Galloza and seven other officers, who § 87(2)(b) could not describe, got on top of § 87(2)(b) rolled him onto his stomach, and put their knees near his head, neck, and back. The officers did not say anything to § 87(2)(b). § 87(2)(b) put his arms "out" so that the officers could handcuff him. § 87(2)(b) denied physically resisting the officers' efforts to handcuff him or otherwise moving his body. The officers were on top of § 87(2)(b) for approximately two minutes. At the prisoner van, PO Galloza told § 87(2)(b) he tasered him because he "took a fighting stance."

§ 87(2)(b) testified that she arrived at the location after § 87(2)(b) called her and asked to be picked up because there were a lot of police officers and "commotion" in the area. When § 87(2)(b) arrived, § 87(2)(b) was sitting inside a gated area of a home. § 87(2)(b) told § 87(2)(b) that an officer had asked him to move off the block, but that he informed the officer he was waiting for § 87(2)(b). § 87(2)(b) did not tell § 87(2)(b) anything else about his interactions with the police. As § 87(2)(b) and § 87(2)(b) left to walk to § 87(2)(b)'s car, a group of approximately four to five uniformed officers approached them. PO Galloza, who was half a car length away, said, "Don't fucking move." § 87(2)(b) told PO Galloza they were walking to her car. PO Galloza then immediately tased § 87(2)(b). § 87(2)(b) never verbally or physically threatened PO Galloza or the other officers. § 87(2)(b) fell onto his back and officers grabbed his arms and shoulders.

PO Galloza (BR 04) testified that upon his arrival at § 87(2)(b) and § 87(2)(b) in response to the calls of shots fired, an unmarked vehicle from the 73rd Precinct, which had bullet holes in it, was in the middle of the intersection. An officer instructed PO Galloza to set up crime scene tape, though PO Galloza did not remember who gave him this instruction. A group of approximately 15 to 20 individuals stood flush against the crime scene tape and were screaming, while trying to cross through the crime scene. PO Galloza instructed the crowd to move back and explained that they could not pass through the intersection, but the crowd did not comply. § 87(2)(b) who was toward the front of the crowd, raised and clenched his fists, and took a "fighting stance." § 87(2)(b) neither swung at nor made physical contact with PO Galloza. PO Galloza did not remember if § 87(2)(b) verbally threatened him. Because PO Galloza felt § 87(2)(b) was threatening his safety and was trying to engage him in a fight due to the "fighting stance," § 87(2)(b) ignored PO Galloza's commands to move back, and because § 87(2)(b) was considerably taller than PO Galloza (estimated to be approximately 6'1" to PO Galloza's 5'4"), PO Galloza issued a taser warning and deployed his taser in dart-mode once. PO Galloza denied telling § 87(2)(b) "Don't fucking move," and did not remember § 87(2)(b) being with § 87(2)(b). The taser successfully subdued § 87(2)(b) and PO Galloza handcuffed § 87(2)(b) by himself without incident. PO Galloza did not sustain any injuries.

As PO Hanisch prepared an AIDED report (see below) for PO Galloza, PO Hanisch was interviewed as a potential witness to PO Galloza's interaction with § 87(2)(b). PO Hanisch (BR 05) testified that upon his arrival, he was instructed by an unidentified supervisor to mark down the

license plates of the parked cars on § 87(2)(b). PO Hanisch thus did not observe PO Galloza tase and arrest § 87(2)(b) and only learned of § 87(2)(b)'s arrest when he saw PO Galloza at the stationhouse at approximately 5:10 a.m. PO Galloza did not tell PO Hanisch that § 87(2)(b) attempted to assault him on scene. PO Hanisch did not remember why he prepared an AIDED report on PO Galloza's behalf.

Sgt. Craig (BR 06) similarly testified that he received a call from PO Galloza on scene, who informed him that he made an arrest. Later at the stationhouse, PO Galloza informed Sgt. Craig that he tased § 87(2)(b). PO Felsberg (BR 07) testified that he had no knowledge of § 87(2)(b)'s arrest, while PO Wihlborg (BR 08) testified that he only learned of § 87(2)(b)'s arrest while officers placed prisoners in the van for transport.

The TRI prepared by PO Galloza was consistent with his testimony, noting that § 87(2)(b) "menaced [PO Galloza]" and "clenched [his] fists," and that PO Galloza used force in defense of himself (BR 09).

The AIDED report (BR 10) PO Hanisch prepared on behalf of PO Galloza lists that PO Galloza "was a victim of an attempted assault." No other information is listed on the AIDED report.

PO Galloza's body-worn camera video (BR 11, 03) begins with PO Galloza walking § 87(2)(b) to the prisoner van, after PO Galloza had tased and arrested § 87(2)(b). No other officers' body-worn camera videos capture § 87(2)(b)'s actions prior to his arrest, or PO Galloza tasing § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (H): Force: An officer used physical force against § 87(2)(b).
Allegation (I): Abuse of Authority: Officers threatened individuals with the threat of force.
Allegation (J): Discourtesy: Officers spoke discourteously to individuals.
Allegation (K): Abuse of Authority: Officers threatened to arrest individuals.

§ 87(2)(b) testified that after § 87(2)(b) was arrested, she began to walk back toward her vehicle. § 87(2)(b) saw § 87(2)(b)'s friend, identified by the investigation as § 87(2)(b), speaking with approximately five to six officers. § 87(2)(b) said, "I didn't do anything. I don't understand why you guys are out there." An officer, whom § 87(2)(b) only described as a white male in plainclothes, then allegedly punched § 87(2)(b) in the face. § 87(2)(b) continued to walk and heard officers tell individuals "I'm going to tase you," and, "If you don't get off this fucking block right now, everyone's getting § 87(2)(b)." § 87(2)(b) could not describe the officers who made these statements.

§ 87(2)(b) was unavailable to the investigation and thus a statement was not obtained from him (see contact attempts).

PSA 2's Command Log listed that PO Wihlborg was § 87(2)(b)'s arresting officer and PO Wihlborg was thus interviewed.

PO Wihlborg testified that initially upon his arrival, an unidentified supervisor instructed him to block vehicular traffic from approaching the crime scene at the intersection of Rockaway Avenue and Bainbridge Street. PO Wihlborg entered his van and did so. While inside the van, a 10-13 (officer needs assistance) came over the radio and PO Wihlborg immediately exited his van and

ran to the intersection of § 87(2)(b). A large crowd, which § 87(2)(b) was a member of, was at the location and officers were attempting unsuccessfully to disperse the crowd. An officer in a white shirt, whom PO Wihlborg could not identify, instructed PO Wihlborg to handcuff § 87(2)(b). A “large amount” of officers, whom PO Wihlborg could not further identify, grabbed § 87(2)(b)’s arms and pulled them behind his back, but § 87(2)(b) moved his arms, making it difficult for PO Wihlborg to handcuff him. PO Wihlborg was focused on trying to handcuff § 87(2)(b) and thus could not see what specific actions other officers were taking at this time. PO Wihlborg did not see any officers punch § 87(2)(b) in the face or otherwise use physical force against him and denied doing so himself. Back at the stationhouse, § 87(2)(b) complained that an unidentified officer punched him. § 87(2)(b) had a small scratch on his face.

Sgt. Craig testified that he did not witness any arrests while on scene. PO Felsberg and PO Galloza similarly testified that they did not witness any other arrests on scene other than those in which they participated § 87(2)(b) and § 87(2)(b)s, respectively). PO Wihlborg, Sgt. Craig, and PO Felsberg all denied hearing officers make the statements, “I will tase you,” or, “If you don’t get off this fucking block right now, everyone’s getting arrested,” and denied doing so themselves.

PO Wihlborg’s body-worn camera footage (BR 15, 03) begins with PO Wihlborg standing near an intersection with other officers. A black male in a white t-shirt, who is in handcuffs and identified by the investigation as § 87(2)(b) complains that officers hit him (<<00:42 – 00:50>>). At PSA 2’s stationhouse, § 87(2)(b) complains that he was punched in the head. PO Wihlborg responds, “I didn’t punch you,” to which § 87(2)(b) responds, “I’m not saying you did” (<<21:27 – 21:40>>). PO Wihlborg’s body-worn camera video does not capture officers in the process of arresting § 87(2)(b).

PO Wihlborg prepared a TRI (BR 16) for § 87(2)(b) which lists the “Reporting MOS Information” as “unknown” and the “Reason MOS Used Force” as “N/A.” The TRI does not identify any of the officers involved in § 87(2)(b)’s apprehension.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (L): Force: Officers used physical force against § 87(2)(b)

Allegation (M): Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) contacted IAB regarding this incident, in which he alleged officers from PSA 2 punched him in the face and stomped on his face with his feet, causing an injury to his jaw. When the investigation reached out to § 87(2)(b) informed the undersigned that he had filed a civil suit and was represented by § 87(2)(b). § 87(2)(b) declined to make § 87(2)(b) available for an interview.

In lieu of a formal statement from § 87(2)(b) the investigation filed a FOIL request for § 87(2)(b) 50-H hearing transcript, but the request was denied. As such, the investigation obtained no form of testimony from § 87(2)(b) regarding this incident.

According to PSA 2's Command Log, PO Felsberg was § 87(2)(b) arresting officer and therefore was interviewed. PO Felsberg testified that upon his arrival, an unidentified chief instructed him to obtain the names of individuals present at the crime scene. § 87(2)(b) refused to provide his name, repeatedly came and went from the area, and screamed and yelled at officers as he did so. An unidentified supervisor then instructed PO Felsberg and other officers, whom PO Felsberg could not identify, to arrest § 87(2)(b) for disorderly conduct. § 87(2)(b) began to flee and several officers, including PO Felsberg, pursued § 87(2)(b) on foot. By the time PO Felsberg caught up with § 87(2)(b) and the other officers, § 87(2)(b) was already in handcuffs. PO Felsberg could not estimate how long the foot pursuit lasted. PO Felsberg denied using any physical force against § 87(2)(b) and further denied seeing any officer do so, including punching § 87(2)(b) in the face or stomping on his face. PO Felsberg noticed "marks" on § 87(2)(b) back, as § 87(2)(b) was shirtless, but he did not otherwise see any injuries, including a facial injury, on his person. § 87(2)(b) complained to PO Felsberg at the stationhouse that officers had punched him in the face and stomped on his face.

Sgt. Craig, PO Galloza, and PO Wihlborg all denied observing any arrests, other than those in which they were involved, at the scene.

PO Felsberg's body-worn camera footage (BR 17, 03) of the incident captures § 87(2)(b) back at the stationhouse and does not capture § 87(2)(b) arrest. While PO Felsberg processes § 87(2)(b) says, "They tried to choke me, stomp me out, and punch me in my face" (<<2:55 – 3:23>>). As PO Felsberg places § 87(2)(b) into the cell, large scratches are visible on § 87(2)(b) back (<<11:14 – 11:23>>) and there appears to be redness and swelling to § 87(2)(b) upper left cheekbone (<<11:57 – 11:48>>). As mentioned throughout the report, no other body-worn camera videos definitively capture § 87(2)(b) arrest.

PO Felsberg prepared a TRI (BR 18) for § 87(2)(b) in which the "Reporting MOS Information" was listed as "unknown" and the "Type of Force Used by MOS" was listed as "Other force – unknown." No identifying information for any of the officers involved in § 87(2)(b) apprehension was listed.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

-worn cameras to
§ 87(2)(b), § 87(4-b), § 87(2)(g) § 87(2)(b) § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party in two CCRB complaints and has been named a victim in three allegations (BR 19):
 - § 87(2)(b)
- § 87(2)(b) and § 87(2)(b) have been party to one CCRB complaint (BR 20-22):
 - § 87(2)(b)
- PO Galloza has been a member of service for 10 years and has been named a subject in five CCRB complaints and eight allegations, none of which were substantiated.
§ 87(2)(g)
- PO Wihlborg has been a member of service for five years and has been named a subject in two complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Felsberg has been a member of service for seven years and this is the first complaint to which he has been named a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of March 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed for § 87(2)(b) or § 87(2)(b) regarding this incident (BR 23-24).
- On March 10, 2021, the New York City Office of the Comptroller confirmed that § 87(2)(b) attorney, § 87(2)(b), filed a Notice of Claim on § 87(2)(b) behalf, seeking \$25,000,000 as redress for physical injuries requiring surgery; mental anguish and other psychological injuries; fear, anxiety, shame, humiliation, indignity; damage to reputation and credit, loss of earnings capacity and capability, and loss of personal property (BR 25).
 - § 87(2)(b) § 87(2)(b)
- According to OCA, between August 3, 2015 and March 2, 2021, § 87(2)(b) has been convicted of disorderly conduct (once) § 87(2)(b). OCA does not list any other convictions (BR 27).
 - § 87(2)(b) § 87(2)(b)
- According to OCA, § 87(2)(b) has no history of convictions within New York City (BR 29).

Squad No.: 14

Investigator:	<u>Casey McCann</u>	<u>Inv. Casey McCann</u>	<u>05/25/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date